



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Develop and Adopt
Fire-Threat Maps and Fire-Safety Regulations

Rulemaking 15-05-006
(Filed May 7, 2015)

**ADMINISTRATIVE LAW JUDGE'S RULING ON MUSSEY GRADE ROAD
ALLIANCE'S NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

Customer (party intending to claim intervenor compensation):
Mussey Grade Road Alliance

Assigned Commissioner: Michel Peter Florio

Administrative Law Judge:
Timothy Kenny

PART I: PROCEDURAL ISSUES

A. Status as "customer" (see Pub. Util. Code § 1802(b)): The party claims "customer" status because the party is (check one):	Applies (check)
1. A Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers. In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.	<input type="checkbox"/>
2. A Category 2 customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer's views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group. A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. See D.98-04-059 at 30.	<input type="checkbox"/>
3. A Category 3 customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation. ¹ Certain environmental groups that represent residential customers	<input checked="" type="checkbox"/>

¹ Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their

<p>with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. <i>See D.98-04-059, footnote at 3.</i></p>	
<p>The party's explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>The Mussey Grade Road Alliance (MGRA or Alliance) is an unincorporated association organized as a 501(c)(4) non-profit with the federal and California state government that is authorized by our by-laws (attached) to advocate on behalf of rural residents of the Mussey Grade Road area to preserve their quality of life and the environment of the Mussey Grade Road area, including advocating on their behalf as residential customers of electrical service. To the best of our knowledge, all (100% of) MGRA members are residential electric customers in the San Diego Gas and Electric Company's service area.</p> <p>The Alliance represents homeowners who are SDG&E customers and who are concerned with wildfire safety. The Mussey Grade area was overrun by the Cedar fire in 2003, with a loss of over 60% of its homes, and in 2007 was surrounded by the Witch fire, which was started by an SDG&E power line. Residents have a strong interest in protecting this area and their property from further fires. Furthermore, Mussey Grade Road is recognized by the California State Historic Preservation Officer as an "Point of Historical Interest" since 2003.</p> <p>Additionally, the Mussey Grade community is economically diverse, and electrical rates can have a significant impact on the quality of life of residents. Our previous interventions at the Commission have always supported careful balancing of safety and costs to best solve for the needs of rural electrical customers.</p> <p>The Mussey Grade Road Alliance was previously determined to be a customer in CPUC proceedings A.06-08-010, A.08-12-021, R.08-11-005, A.09-08-021, and R.13-11-006.</p>	
<p>Identify all attached documents in Part IV.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?²</p>	

members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

² See Rule 17.1(e).

Yes: ☐ No: ☒

If “Yes”, explain:

B. Conflict of Interest (§ 1802.3)	Check
1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 7/22/2016	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time:	
2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge’s ruling, or other document authorizing the filing of NOI at that other time:	

PART II: SCOPE OF ANTICIPATED PARTICIPATION

<p>A. Planned Participation (§ 1804(a)(2)(A)(i)):</p> <p>The party’s statement of the issues on which it plans to participate:</p> <p>The Mussey Grade Road Alliance was an active party in the precursor to this proceeding R.08-11-005 and provided significant input during that proceeding. We were the first party to propose that utility-specific fire threat maps be developed and we are committed to seeing this proceeding to a successful conclusion. Our primary focus is to help ensure that the map development process stays true to its original goal of identifying areas where utility fires are more likely to ignite and grow into catastrophic wildfires.</p> <p>The party’s explanation of how it plans to avoid duplication of effort with other parties:</p> <p>MGRA is at this time the only citizen’s group with an interest in wildfire safety participating in the proceeding. We have in the past closely collaborated with CALFIRE, who has played a leadership role in Map 1 development, with SED, and with Los Angeles County, with whom our positions generally align. MGRA’s expert has significant experience in wildfire science,</p>
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including publications, and almost ten years of history working on fire safety issues at the CPUC. As cost/benefit issues come into play as Map 2 matures, we plan to work closely with TURN and ORA to ensure that the regulations associated with Map 2 are optimized to provide maximum safety for the cost incurred.

The party's description of the nature and extent of the party's planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).

Among the topics that MGRA may intervene during Map 2 are:

- Weather and winds and their incorporation into Map 2
- Operational procedures that might be put into place in Map 2 designated high risk areas
- Engineering requirements associated with the Map 2 tiers
- How to incorporate risk from high-canopy vegetation fires without compromising other Map 2 goals

Prior to the PHC, and leading up to the publication of Map 1, MGRA has already been involved in the following issues:

- Analysis of Map 1 and identification of key issues related to vegetation in areas burned by the 2003 and 2007 fires, which resulted in remediation by the Map 1 team.
- Suggestion that a mechanism be found, possibly a supplemental map, to identify risks associated with high-canopy fires such as the Butte fire in Northern California.
- Ensuring that wind remain part of the ignition component for Map 1.

Dr. Mitchell attended and contributed to Map 1 development workshops and intends to attend and contribute to Map 2 workshops as well.

B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Diane J. Conklin [Advocate]	20	\$125	\$2,500	[1]
Joseph W. Mitchell [Expert]	100	\$285	\$28,500	[1]
				Subtotal: \$ 30,500
COSTS				
Travel	5 trips	\$1000/trip	\$5,000	
				Subtotal: \$5,000
				TOTAL ESTIMATE: \$35,500

[1] Rates for Conklin and Mitchell approved in D.15-07-030

Estimated Budget by Issues:

The following are rough estimates based on current knowledge:

Adherence to Map 1 guidelines:	30%	\$10,650
Engineering Issues including Wind :	40%	\$14,200
Operational Issues:	30%	\$10,650

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:	Applies (check)
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	<input type="checkbox"/>
2. “[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	<input checked="" type="checkbox"/>
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)). Commission’s finding of significant financial hardship made in proceeding number: Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	<input type="checkbox"/>

B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:
<p>MGRA members cannot afford the costs of effective participation in lieu of intervenor compensation. At the same time, MGRA will gain no economic benefit from participating in the proceeding. MGRA is concerned that potential outcomes of this proceeding will affect fire hazard and/or utility costs for Mussey Grade residents.</p> <p>MGRA is, to date, is the sole grass roots group intervening in the Rulemaking and as such brings a valuable perspective from the view of rural electricity customers in wildfire-prone areas. Wildfire is one issue regarding which MGRA brings specific and relevant expertise developed over years of experience by interventions in multiple Commission proceedings, including key contributions to the precursor to this proceeding R.08-11-005. Additionally, the area in which Mussey Grade Road is located, and the area of the unincorporated town of Ramona, has been historically subjected to wildland fires ignited by power lines.³ Furthermore, there is no other party to the proceeding representing this particular area in the 59-square mile jurisdiction of the Ramona Community Planning Group or similar wildfire-prone rural districts.</p>

³ The Witch Fire, which started on Sunday, October 21, 2007, began in the unincorporated area of Ramona on the Tulloch Ranch and spread across the northeastern and northwestern sections of Ramona, destroying hundreds of homes in the area before merging with the Guejito Fire. Mussey Grade Road was threatened by the Witch Fire, but the fire fortunately did not reach the Mussey Grade Road valley.

The cost of the MGRA's participation in Commission proceedings substantially outweighs the potential economic benefit to the individual members it represents. The members of the Alliance are residential electricity customers whose individual interests in this proceeding are small relative to the costs of participation. It is unlikely that MGRA members will see financial benefits that exceed the costs of the Alliance's intervention. Additionally, any improvement to safety or cost efficiency due to MGRA participation will be shared by all California residents and ratepayers, and it would be unfair to burden one neighborhood group with the cost of obtaining these benefits. Furthermore, the Alliance intervenor and expert also do not have an economic interest exceeding the cost of their participation.

ADMINISTRATIVE LAW JUDGE RULING⁴

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	<input type="checkbox"/>
a. The NOI has not demonstrated the party's status as a "customer" for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above). Public Utilities Code § 1804(b)(1) provides that a finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding. Although Mussey Grade Road Alliance asks for finding in its Notice of Intent, they have a valid rebuttable presumption on file. A finding of significant financial hardship was made on July 21, 2014 via an Administrative Law Judge Ruling in Rulemaking (R.) 13-11-006. The present Rulemaking, R.15-05-006, commenced May 7, 2015, thereby falling within the one-year period set by the	<input checked="" type="checkbox"/>

⁴ A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer's Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(g).

July 21, 2014 Ruling. Therefore, the finding of significant financial hardship made in the July 21, 2014 Ruling extends to the present Rulemaking.	
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
4. The Administrative Law Judge provides the following additional guidance (<i>see</i> § 1804(b)(2)):	<input type="checkbox"/>

IT IS RULED that:

1. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. The customer has shown significant financial hardship.	<input checked="" type="checkbox"/>
3. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input checked="" type="checkbox"/>

Dated August 15, 2016, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge